IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 4269 of 2005

SARITA BHALCHANDRA JADHAV .... Petitioner
vs.
THE EDUCATION OFFICER (SECONDARY)
AND ORS. ... Respondent

Shri Vishwanath Talkute for Petitioner
Mr. Gokhale AGP for Respondent State.
Shri A.A. Garge for Respondent No. 3
Mr. I. M. Khairadi for Respondent no.4.

CORAM: **F. I. REBELLO & ROSHAN DALVI JJ.**
Date: 24/11/2005

P.C.

Rule. Heard forthwith.

1. It is the contention of the Petitioner that Respondent no.1 ought not to have heard the objections raised by Respondent no.3 as the transfer was effected by Respondent no.4. It is further submitted that Respondent no.1 could not have interfered with the transfer effected by Respondent no.4, unless it is contrary to statutory provisions, which in the instant case it is not.

2. We do not propose to go into the controversy. Suffice it to say directions can be issued to Respondent no.1 to hear the Petitioner, Respondent nos. 3 and 4 and thereafter decide the matter according to law. In the light of this the following order is passed:

1. Respondent no.1 to hear the Petitioner, Respondent nos. 3 and 4 and pass appropriate orders.

2. Petitioner, Respondent nos. 3 and 4 will appear before Respondent no.1 on 2nd December 2005 at 11 a.m. Respondent no.1 thereafter will dispose of the issue which has arisen in this petition by hearing the parties, not later than 4 weeks from today. In the meantime interim order granted by this court to continue till the decision by Respondent no.1. Rule made absolute accordingly.

(F. I. REBELLO J.)

(ROSHAN DALVI J.)